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10 IN THE UNITED STATES BANKRUPTCY COURT
11 FOR THE DISTRICT OF OREGON

12 In re
13 Davis Properties, LLC,
14 Debtor.
15

Case No. 18-34413-tmb11

**DEBTOR'S MOTION TO DISMISS
CHAPTER 11 CASE**

16 Davis Properties, LLC ("Debtor"), hereby moves this Court for an order
17 dismissing this Chapter 11 case. In support of the motion, Debtor states:

- 18 1. On December 19, 2018 ("Petition Date"), Debtor filed a voluntary
19 petition for relief under Chapter 11 of Title 11 of the United States Code.
20 2. Debtor has continued in possession of its property and is continuing to
21 operate and manage its business as debtor-in-possession pursuant to §§ 1107(a) and 1108 of
22 the Bankruptcy Code.
23 3. The statutory predicates for the relief requested by this motion are
24 11 U.S.C. § 1112(b) and Fed. R. Bankr. P. 1017(f).

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1 4. The court has jurisdiction over this contested matter pursuant to 28
2 U.S.C. §§ 157 and 1334. This matter is a core proceeding as defined by 28 U.S.C.
3 §§ 157(b)(2)(A).

4 5. Pursuant to 11 U.S.C. §§ 1109(b) and 1112(b), Debtor has standing to
5 bring this motion.

6 6. Debtor owned real property located at 461 NE 3rd Avenue, Canby, OR
7 (the "Property"), which Property was Debtor's sole material asset.

8 7. Pursuant to the Order Granting Debtor's Motion for Order Approving
9 Sale of Debtor's Assets Free and Clear of Liens, Claims, and Encumbrances [ECF No. 75],
10 Debtor sold the Property effective October 16, 2019 (the "Sale").

11 8. As a result of the Sale, (i) all of Debtor's secured and unsecured
12 creditors were paid in full, (ii) Debtor's real estate brokers were paid their commissions in
13 full, (iii) Debtor's quarterly US Trustee fees owing through the date of the Sale were paid in
14 full, and (iii) all of Debtor's administrative expense holders were paid in full.¹

15 9. In light of the facts as set forth above, this Chapter 11 case should be
16 dismissed pursuant to 11 U.S.C. § 1112(b) for cause because (i) all creditors and
17 administrative expenses have been paid in full and (ii) there is nothing to reorganize.

18 10. The exceptions set forth in 11 U.S.C. §§ 1112(b)(1) and (2) are
19 inapplicable.

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26 ¹ Debtor has contemporaneously filed an application for final professional compensation.

1 Wherefore, Debtor respectfully requests that the Court enter an order
2 dismissing this Chapter 11 case.

3 DATED: October 18, 2019.

4 TONKON TORP LLP

5 By /s/ Ava L. Schoen

6 Albert N. Kennedy, OSB No. 821429

7 Ava L. Schoen, OSB No. 044072

8 Attorneys for Debtor
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In addition, I served the foregoing on the parties below by mailing copies thereof in sealed, first-class postage prepaid envelopes, addressed to the parties' last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below.

TONKON TORP LLP

Page 1 of 1 - CERTIFICATE OF SERVICE

LIST OF INTERESTED PARTIES

In re Davis Properties, LLC
U.S. Bankruptcy Court Case No. 18-34413-tmb11

ECF PARTICIPANTS

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NON-ECF PARTICIPANTS

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